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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,092	12/29/2000	Stacy S. Cook	06810-01201	4028
27412	7590	02/26/2004		
SIMON, GALASSO & FRANTZ PLC P.O. BOX 26503 AUSTIN, TX 78755-0503			EXAMINER SAFAIPOUR, HOUSHANG	
			ART UNIT 2622	PAPER NUMBER 9
DATE MAILED: 02/26/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/752,092

Applicant(s)

COOK ET AL.

Examiner

Houshang Safaipoor

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 2, 3, 5, 6, 8, 9, 13, 14, 16, 18, 19, 20 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Sansom-Wai et al. (U.S. Patent No. 6,310,984).

Regarding claim 1, Sansom-Wai et al. discloses a method for detecting deviations in the surface of a document comprising:

scanning the document to create an image of the document (col. 5, lines 49-65);

identifying at least one edge of the document by recognize surface deviations in the image (col. 13, lines 5-15).

Regarding claim 2, Sansom-Wai et al. discloses the method of Claim 1 further

comprising discarding portions of the image that exist opposite to the identified edge of the document image (col. 8, lines 23-43).

Regarding claim 3, Sansom-Wai et al. discloses the method of Claim 2 further comprising presenting the non-discarded portions of the image (fig. 5 and fig. 6).

Regarding claim 5, Sansom-Wai et al. discloses the method of Claim 1 further comprises isolating the angle of identified edge (col. 8, lines 13-22).

Regarding claim 6 Sansom-Wai et al. discloses, the method of Claim 5 further comprises reducing the angle of the edge by rotating the image (fig. 5 and fig. 6)

Regarding claim 8, although Sansom-Wai et al. does not explicitly disclose inserting the document into a slide adapter prior to scanning, he discloses utilizing many different document carriers (col. 7, lines 40-41).

Regarding claim 9, Sansom-Wai et al. discloses the method of Claim 8, further comprising discarding the portions of the image associated with the image of the document carrier (col. 7, lines 40-67).

Regarding claim 13, Sansom-Wai et al. discloses the method of Claim 3, further comprising rotating the image to reduce the angle of the edge after isolating the angle of the deviation (fig. 5 and fig. 6).

Regarding claim 14, Sansom-Wai et al. discloses a surface deviation detector comprising:
a scanner having a platen for the placement of a document; at least one light source; at least one sensor sensing light related to at least one surface deviation associated with an edge of the document (col. 5, lines 49-65).

Regarding claim 16, argument analogous to those presented for claim 8 are applicable to

claim 16.

Regarding claim 18, Sansom-Wai et al. discloses the detector of Claim 14 further comprising a processor for creating an image of the document capable of automatically rotating the image of the document (fig. 5 and fig. 6).

Regarding claim 19, Sansom-Wai et al. discloses the detector of Claim 14 further comprising a processor for creating an image of the document capable of eliminating image not associated with the image (col. 7, lines 9-67).

Regarding claim 20, Sansom-Wai et al. discloses the detector of Claim 14 further comprising a processor for creating an image of the document capable of truncating information not associated with the document image (col. 7, lines 9-67).

Regarding claim 24, argument analogous to those presented for claim 1 are applicable to claim 24.

Claim 25 is rejected under 35 U.S.C. 102(e) as being anticipated by Hulan et al. (U.S. Patent No. 5,987,270).

Regarding claim 25, Hulan et al. discloses a scanner system comprising:

a low resolution scan system operable to detect edges associated with a document;
and a high resolution scan system operable to perform a scan of an area defined by the edges detected by the low resolution scan system (col. 9, line 39 through col. 10, line 28).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art·Unit: 2622

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Sansom-Wai et al. (U.S. Patent No. 6,310,984)

Regarding claim 4, scanning of a document by infrared light is well known and routinely implemented in the art. Therefore it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to use infrared light for illuminating the document to detect defects.

Regarding claim 15, argument analogous to those presented for claim 4 are applicable to claim 15.

Claims 7, 10 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sansom-Wai et al. (U.S. Patent No. 6,310,984) and further in view of Liao (U.S. Patent No. 5,467,172).

Regarding claim 7, although Sansom-Wai et al. discloses a flat bed scanner (col. 5, lines 60-65), he does not explicitly disclose the method of Claim 1 further comprising illuminating the document with a transparency adapter. Liao discloses image scanner transparency adaptor suitable for use with flat bed scanners. Therefore it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to use Liao's transparency adaptor with Sansom-Wai's scanner to illuminate the transparent document.

Regarding claim 10, Sansom-Wai et al. does not explicitly disclose the method of Claim 1, wherein the document is scanned by a plurality of light sources. Liao introduces a pair of

Art Unit: 2622

lamps in his transparency adaptor (col. 3, lines 40-45). Therefore it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to use Liao's transparency adaptor with Sansom-Wai's scanner to illuminate the transparent document.

Regarding claim 21, argument analogous to those presented for claim 10 are applicable to claim 21.

Claims 17, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sansom-Wai et al. (U.S. Patent No. 6,310,984) and further in view of Hulan et al. (U.S. Patent No. 5,987,270).

Regarding claim 17, Sansom-Wai does not explicitly disclose a light source positioned to create shadows that are detected by the sensor. Hulan et al. discloses such an apparatus (col. 10, lines 14-23). Therefore it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to include Hulan's design in Sansom-Wai's apparatus to detect and remove the shadow created by the illumination source.

Regarding claim 22, Sansom-Wai does not explicitly disclose the detector of Claim 14 wherein the scanner automatically initiates a high resolution scan. Hulan et al. discloses such an apparatus that performs pre scan and full scan of the document (col. 10, lines 23-28).

Regarding claim 23, manual overriding scanning operation is well known and routinely implemented in the art. Therefore it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to include this feature in Sansom-Wai's device.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sansom-Wai et al. (U.S. Patent No. 6,310,984) and in view of Liao (U.S. Patent No. 5,467,172) and further in view of Hulan et al. (U.S. Patent No. 5,987,270).

Regarding claim 11, neither Sansom-Wai nor Liao disclose the method of Claim 10, wherein analyzing the information to recognize the deviations in the surface of the document that represent at least one edge of the document is accomplished by recognizing the shadows created by each light source and identifying shadows that represent edges. Hulan et al. discloses such a device (col. 9, line 39 through col. 10, line 28). Therefore it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to use Hulan's device in combination of Liao and Sansom-Wai's scanner to eliminate shadows created by illumination source.

Regarding claim 12, argument analogous to those presented for claim 5 are applicable to claim 12.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipoor whose telephone number is (703)306-4037. The examiner can normally be reached on Mon.-Thurs. from 6:30am to 5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles, Sr. can be reached on (703)305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 2622

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Houshang Safaipoor
Patent Examiner
Art Unit 2622
February 17, 2004



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